

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FAR EASTERN SHIPPING CO.,

Plaintiff,

- against -

PROGRESS BULK CARRIERS, LTD.,

Defendant.  
-----X

ECF CASE

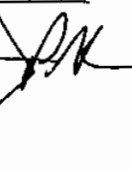
07 Civ. 11375 (PAC)

**ORDER TO SHOW CAUSE WHY PLAINTIFF'S RULE B  
ATTACHMENT SHOULD NOT BE VACATED**

Upon the annexed Affirmation of Ibrahim Mazman dated January 22, 2008, the Affirmation of Kirk M. Lyons dated January 23, 2008, the Exhibits annexed thereto, the accompanying Memorandum of Law and the pleadings and proceedings heretofore had herein;

Let the plaintiff, FAR EASTERN SHIPPING CO. ("FESCO"), show cause before the Honorable Paul A. Crotty, United States District Court Judge, at 500 Pearl Street, Courtroom 20C, New York, New York, 10007, pursuant to Supplemental Admiralty Rule E and Local Admiralty Rule E.1, which provides for an adversary hearing within three court-days, on the 28<sup>th</sup> day of January, 2008, at 2<sup>30</sup> o'clock or as soon thereafter as counsel can be heard, why the Court's December 21, 2007, Ex Parte Order for issuance of process of maritime attachment and garnishment should not be vacated on the basis that (a) at the time plaintiff filed its Verified Complaint the defendant could be found within the Southern District of New York within the meaning of Rule B(1); and (b) defendant was subject to an *in personam* lawsuit in a convenient adjacent district, to wit: the Eastern District of New York;

Let service of a copy of this Order to Show Cause and the accompanying Affirmations, Exhibits, and Memorandum of Law, be served upon the Law Offices of Simon Harter, Esq., 304 Park Avenue South, 11th Floor, New York, NY 10010, attorneys ✓ for the plaintiff, on or before 4pm o'clock on January 24, 2008 (service to be made either by courier, fax, or e-mail) be deemed good and sufficient service;

Answering papers, if any, including but not limited to affidavits, affirmations, declarations, exhibits and/or memoranda of law, shall be served so as to be received by ✓ counsel for defendant, Lyons & Flood, LLP, by fax or e-mail on or before the 25th day ✓ of January, 2008, by 1<sup>30</sup>pm o'clock. ~~Reply papers if any, shall be served so as to~~ ~~be received by counsel for the plaintiff, Law Offices of Simon Harter, Esq., by fax or e-mail on or before the~~ ~~day of~~ ~~2008 by~~ ~~o'clock.~~ 

✓ Dated: New York, NY  
January 24, 2008 at 9<sup>30</sup> am

  
U.S.D.J. 